

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FRODE BRAKSTAD ET AL.

Serial No.: 10/596,224

Filed: June 5, 2006

For: FOOD AND FEED SUPPLEMENT AND ITS USE

Attorney Docket No.: VITL 0101 PUSA

Group Art Unit: 1618

Examiner: Gigi Georgiana Huang

SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Mail Stop Amendment
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and §§ 1.97-1.98, the references listed and identified on the attached Form PTO/SB08A are being submitted herewith for consideration by the Examiner. This Statement is being filed in accordance with 37 C.F.R. § 1.97(c), i.e., after the mailing date of a first Office Action on the merits but before the mailing of a final action or a notice of allowance, and includes the fee of \$180.00 as set forth under 37 C.F.R. § 1.17(p).

The requirement as to "concise explanation of relevance for non-English language information" pursuant to 37 C.F.R. § 1.98(a)(3) is submitted to have been fulfilled for at least the reasons stated below.

MPEP 609.04(a)(III) in relevant portion provides:

The requirement for a concise explanation of relevance is limited to information that is not in the English language. the explanation required is limited to the relevance as understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information at the time the information is submitted to the Office. If a complete translation of the information into English is submitted with the non-English language information, no concise explanation is required. An English-language equivalent application may be submitted to fulfill this requirement if it is, in fact, a translation of a foreign language application being listed in an information disclosure statement. There is no requirement for the translation to be verified. Submission of an English language abstract of a reference may fulfill the requirement for a concise explanation. Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of the relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an 'X', 'Y', or 'A' indication on a search report. the requirement for a concise explanation of non-English language information would not be satisfied by a statement that a reference was cited in the prosecution of a United States application which is not relied on under 35 U.S.C. 120.

MPEP 609.04(a)(III) (emphasis added).

The International Search Report dated 27 April 2005 presents, with arrows shown, an indication of "Y" for the non-English reference Bianco G., et al. (17 November 1970), an indication of "A" for the non-English reference Wolter, R. (1993), an indication of "A" for the non-English reference Hofmann (DE 2559570 of 1977), an indication of "A" for the non-English reference Hofmann (DE 2559569 of 1977). A copy of the Search Report is submitted herewith.

While this Statement is being filed in compliance with the duty of disclosure, citation of the attached references is not to be construed as an admission that any of the references are "material" as defined under 37 C.F.R. § 1.56(b).

If, after review, the Examiner is still of the opinion that full English translations to these documents are needed, Applicant is willing to provide to the Examiner the English translations upon the Examiner's indication of the same in order to move forward the prosecution to the case.

Consideration and entry into the record of the listed references is respectfully requested. The fee of \$180.00 is being charged to Deposit Account No. 02-3978 via electronic authorization submitted concurrently herewith. The Commissioner is hereby authorized to charge any additional fees or credit any overpayments as a result of the filing of this paper to Deposit Account No. 02-3978.

Respectfully submitted,

FRODE BRAKSTAD ET AL.

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Date: 16 June 2008

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